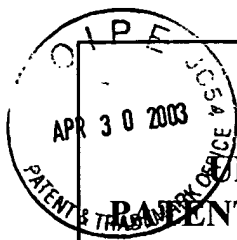


1653



**IN THE
UNITED STATES
PATENT AND TRADEMARK
OFFICE**

| | |
|-----------------------------|----------------------|
| <i>Application Number</i> | 09/469,496 |
| <i>Filing Date</i> | 22 December 1999 |
| <i>First Named Inventor</i> | Baldomero M. OLIVERA |
| <i>Group Art Unit</i> | 1653 |
| <i>Examiner Name</i> | G.E. Bugaisky |
| <i>Attorney Docket No.</i> | 2314-175 |

#9
JM
5/3/03

Title of the Invention: **CONOTOXINS I**

RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED
MAY 02 2003
TECH CENTER 1600/2900

Dear Sir:

In the Office Action mailed 30 January 2003, the Examiner objected to the above-identified application under 37 C.F.R. § 1.172(a) with respect to establishment of the assignees ownership interest. In response to this objection, submitted herewith is a new Statement Pursuant to 37 C.F.R. § 3.73(b) executed on behalf of the University of Utah Research Foundation by Jayne F. Carney, Director, Technology Transfer Office and a new Statement Pursuant to 37 C.F.R. § 3.73(b) executed on behalf of The Salk Institute For Biological Studies executed by Polly A. Murphy, Vice President, Office of Technology Management. Each of these Statements includes the clause "empowered to act on its [assignee] behalf" and includes complete recordation information. It is believed that these new Statements obviate this objection, and its withdrawal is requested.


In accordance with 37 C.F.R. § 1.178, Applicants surrender herewith original United States Patent No. 5,700,778.

The Examiner also objected to the application for failure to include a CRF with the sequence listing and invited Applicants to submit a letter making reference to the sequence listing filed in the original application which was in compliance with 37 C.F.R. §§ 1.821-1.825. Accordingly, Applicants submit herewith an appropriate Letter Pursuant to 37 C.F.R. §§ 1.821(e), making reference to the sequence listing used in original application Serial No. 08/458,499, which was the sequence listing filed on 15 April 1994 in the '499's parent application Serial No. 08/084,848.

The Examiner objected to the Reissue Declaration as being defective on the basis of the deficiencies of the ownership statements. It is believed that the new Statements Pursuant to 37 C.F.R. § 3.73(b) obviate this objection, and its withdrawal is requested.

Claims 1-9 were rejected as being based upon a defective reissue declaration. It is believed that the new Statements Pursuant to 37 C.F.R. § 3.73(b) obviate this rejection, and its withdrawal is requested.

In view of the above remarks and the submissions filed herewith, it is believed that the present application is in condition for allowance. Reconsideration of the application and early notice of allowance are requested. The Examiner is invited to telephone the undersigned to expedite the prosecution of the application.

| | | | | | |
|--------------------------------|---|------------------|--------------|-----------------|--------------|
| RESPECTFULLY SUBMITTED, | | | | | |
| <i>Name and Reg. Number</i> | Jeffrey L. Ihnen, Reg. No. 28,957 | | | | |
| <i>Signature</i> |  | | <i>Date</i> | 30 April 2003 | |
| <i>Address</i> | ROTHWELL, FIGG, ERNST & MANBECK, pc 1425 K Street, N.W., Suite 800 | | | | |
| <i>City</i> | Washington | <i>State</i> | D.C. | <i>Zip Code</i> | 20005 |
| <i>Country</i> | U.S.A. | <i>Telephone</i> | 202-783-6040 | <i>Fax</i> | 202-783-6031 |

Attachments: Statement Pursuant to 37 C.F.R. § 3.73(b) of University of Utah Research Foundation
Statement Pursuant to 37 C.F.R. § 3.73(b) of The Salk Institute for Biological
Studies
Original United States Patent No. 5,700,778
Letter Pursuant to 37 C.F.R. § 1.821(e)